

## UNITED STATES DISTRICT COURT

for the  
Southern District of OhioIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)1328 Manchester Avenue  
Columbus, Ohio 43224

Case No.

2:17.MJ.463

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See attached Affidavit and Attachment A.

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Juan ALVARENGA-Alberto and Identification documents.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☐ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section  
8 U.S.C. 1326(a)

Offense Description  
Illegal re-entry of an alien after being removed from the United States.

The application is based on these facts:  
See attached Affidavit.

☒ Continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Matthew J. Salmon, Deportation Officer (ICE)

Printed name and title

Sworn to before me and signed in my presence.

Date:

8/10/17 @ 1:24pm

City and state: Columbus, Ohio

Judge's signature

Elizabeth Preston Deavers, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN THE MATTER OF  
THE SEARCH OF:**

**1328 Manchester Avenue  
Columbus, Ohio 43224**

**CASE NO. \_\_\_\_\_**

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT APPLICATION**

I, United States Immigration and Customs Enforcement (ICE) Deportation Officer, Matthew J. Salmon, being first duly sworn, depose and state as follows:

1. I am a Deportation Officer with more than fourteen years of experience as an Immigration Officer with United States Immigration and Customs Enforcement (ICE), District Adjudications Officer with United States Citizenship and Immigration Services, and Border Patrol Agent with the United States Border Patrol. I am assigned to the Columbus, Ohio Office of Enforcement and Removals-Field Operations Unit. I have investigated both criminal and administrative matters involving aliens in the United States. I have successfully completed the United States Border Patrol Agent Academy at the Federal Law Enforcement Training Center (FLETC) in Charleston, South Carolina.
2. The facts set forth in this Affidavit are based on my personal knowledge and observations during the course of this investigation between December 2015 and the present, further conveyed to me by other law enforcement officers, confidential sources, and my review of the records and documents obtained during the investigation. The purpose of this Affidavit is only to establish probable cause; I have not set forth each and every fact known to me concerning this investigation.
3. The purpose of this Affidavit is to support the United States's application for a search warrant for the residence located at 1328 Manchester Avenue, Columbus, Ohio 43224, which is believed to be a location where Juan ALVARENGA-Alberto resides.
4. Based on the facts and information set forth in this Affidavit, I respectfully submit that there is probable cause to believe that there is presently concealed evidence, fruits, and instrumentalities on the premises known as 1328 Manchester Avenue, Columbus, Ohio 43224. The evidence, fruits, and instrumentalities relate to violations of 8 U.S.C. § 1326(a),

an alien who has been denied admission, excluded, deported, or removed, or has departed the United States while an order of exclusion, deportation or removal is outstanding, and thereafter enters, attempts to enter, or at any time found in the United States, unless prior to re-embarkation at a place outside the United States or an application for admission from a foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission.

#### **SUMMARY OF PROBABLE CAUSE**

5. Juan ALVARENGA-Alberto is a citizen of El Salvador and not a citizen of the United States.
6. On or about October 29, 2006, ALVARENGA-Alberto was arrested by the Minerva Park (Ohio) Police Department for Operating a Motor Vehicle Intoxicated. On or about January 9, 2007, ALVARENGA-Alberto was convicted of this offense. During this encounter, ALVARENGA-Alberto presented himself to arresting officers as Tomas Liviana ALVARENGA (date of birth 04/11/1985). The use of this alias was confirmed by the Integrated Automated Fingerprint Identification System.
7. On or about October 29, 2008, ALVARENGA-Alberto was arrested in Columbus, Ohio for Operating a Motor Vehicle Intoxicated. On or about January 9, 2007, ALVARENGA-Alberto was convicted of this offense.
8. On or about December 15, 2008, ALVARENGA-Alberto was arrested by ICE Officers in Columbus, Ohio after being released from Franklin County (Ohio) jail. ALVARENGA-Alberto was charged administratively as an inadmissible alien as described in Section 212(a)(6)(A)(i) of the Immigration and Nationality Act. ALVARENGA-Alberto signed a Stipulated Removal Order and Waiver of Hearing. On or about December 22, 2008, ALVARENGA-Alberto was ordered removed by an Immigration Judge in Cleveland, Ohio from the United States to El Salvador. On or about January 30, 2009, ALVARENGA-Alberto was physically removed from the United States to El Salvador via New Orleans, Louisiana. Prior to removal, ALVARENGA-Alberto surrendered his fingerprint and photo for Immigration Form I-205 (Warrant of Removal/Deportation), a document that he signed. ALVARENGA-Alberto's removal was witnessed by an Immigration Officer.
9. On or about October 14, 2011, ALVARENGA-Alberto was arrested by the Columbus Division of Police for Operating a Motor Vehicle Intoxicated. On or about October 27, 2011, ALVARENGA-Alberto was convicted of this offense. During this encounter, ALVARENGA-Alberto presented himself as Joaquin CASTRO-Gil (date of birth 08/05/1989). According to records received from the El Salvadoran National Police, Joaquin CASTRO-Gil is a member of the transnational criminal organization La Mara Salvatrucha, also known as MS-13.

10. On or about October 17, 2011, ALVARENGA-Alberto was arrested by ICE Officers in Columbus, Ohio after being released from Franklin County (Ohio) jail. ALVARENGA-Alberto was charged administratively for reinstatement of prior order of removal as described in Section 241(a)(5) of the Immigration and Nationality Act. On or about January 3, 2012, ALVARENGA-Alberto was physically removed from the United States to El Salvador via New Orleans, Louisiana. Prior to removal, ALVARENGA-Alberto surrendered his fingerprint and photograph for Immigration Form I-205 (Warrant of Removal/Deportation), a document that he signed. ALVARENGA-Alberto's removal was witnessed by an Immigration Officer.
11. On or about May 10, 2012, ALVARENGA-Alberto was arrested by the United States Border Patrol in McAllen, Texas. ALVARENGA-Alberto was charged administratively for reinstatement of prior order of removal as described in Section 241(a)(5) of the Immigration and Nationality Act. On or about June 8, 2012, ALVARENGA-Alberto was physically removed from the United States to El Salvador via Atlanta, Georgia. Prior to removal, ALVARENGA-Alberto surrendered his fingerprint and photograph for Immigration Form I-205 (Warrant of Removal/Deportation), a document that he signed. ALVARENGA-Alberto's removal was witnessed by an Immigration Officer.
12. On or about January 4, 2013, ALVARENGA-Alberto was arrested by the United States Border Patrol in McAllen, Texas. ALVARENGA-Alberto was charged administratively for reinstatement of prior order of removal as described in Section 241(a)(5) of the Immigration and Nationality Act. ALVARENGA-Alberto was also charged criminally for, and convicted of, Improper Entry by Alien, in violation of 8 U.S.C. § 1325. On or about February 7, 2013, ALVARENGA-Alberto was physically removed from the United States to El Salvador via Harlingen, Texas. Prior to removal, ALVARENGA-Alberto surrendered his fingerprint and photograph for Immigration Form I-205 (Warrant of Removal/Deportation), a document he signed. ALVARENGA-Alberto's removal was witnessed by an Immigration Officer.
13. Between December 2015 and the present, officers with ICE/ERO, the Federal Bureau of Investigation, and the Columbus Division of Police have been conducting an investigation into MS-13. Throughout the investigation, ALVARENGA-Alberto has been regularly named by sources of information as a member of MS-13. Sources of information have declared that ALVARENGA-Alberto is a jumped-in MS-13 member with the Columbus, Ohio clique known as the Columbus Locos Salvatruchas (CLS). Sources of information have provided officers with the address of 1328 Manchester Avenue, Columbus, Ohio 43224 as the current residence of ALVARENGA-Alberto.
14. On or about January 23, 2017, officers received a report from the El Salvador National Police identifying ALVARENGA-Alberto as a member of MS-13.

15. A second report from the El Salvador National Police explained that on or about July 2, 2013, ALVARENGA-Alberto was arrested in El Salvador for the crimes of criminal association and resisting arrest. The dispositions of these charges are unknown. During this encounter, a criminal history search revealed a record of gang membership. The assumption of affiliation is supported by the identification of multiple tattoos on his body that are exclusively gang-related and are generally found on people who have been MS-13 members for several years. These tattoos include the letters of the Salvadoran national shield and praying hands. **\*\*This information was received in the Spanish language from the El Salvador National Police and translated to English by a FBI Language Specialist.\*\***
16. A search of open source media has revealed photos of ALVARENGA-Alberto among other MS-13 members, including photos of ALVARENGA-Alberto displaying gang signs with his hands.
17. On or about May 26, 2017 at approximately 7:45AM, ALVARENGA-Alberto was observed and identified by surveillance officers exiting his residence of 1328 Manchester Avenue, Columbus, Ohio 43224. ALVARENGA-Alberto got into a tan Nissan Altima bearing Ohio license plate HAF1112, registered to Hilda Yaneth Azmitia Martinez at 3366 Anita Street, Columbus, Ohio 43224. This is the vehicle ALVARENGA-Alberto has been seen driving regularly. Hilda AZMITIA-Martinez is the known significant other of ALVARENGA-Alberto.
18. On or about July 14, 2017 at approximately 7:00AM, ALVARENGA-Alberto was observed and identified by surveillance officers exiting his residence of 1328 Manchester Avenue, Columbus, Ohio 43224. ALVARENGA-Alberto was picked up in a Chevy van bearing Ohio license plate PJA1049, registered to Aleman Roofing Services at 5272 Bashaw Drive, Westerville, Ohio 43081. On this day, the tan Nissan Altima bearing Ohio license plate HAF1112, the vehicle that ALVARENGA-Alberto had been previously seen driving, was present at the residence.
19. On or about July 21, 2017 at approximately 6:50AM, ALVARENGA-Alberto was observed and identified by surveillance officers exiting his residence of 1328 Manchester Avenue, Columbus, Ohio 43224. ALVARENGA-Alberto retrieved an unknown item from a tan Nissan Altima bearing Ohio license plate HAF1112 and returned to the residence. At approximately 7:00AM, ALVARENGA-Alberto sat on the front steps facing surveillance officers. Several of his known arm tattoos were visible to further ensure a positive identification. At approximately 7:05AM, ALVARENGA-Alberto was picked up in a Chevy van bearing Ohio license plate PJA1049, registered to Aleman Roofing Services registered to 5672 Bashaw Drive, Westerville, Ohio 43081.

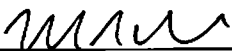
20. On or August 10, 2017 at approximately 7:25AM, ALVARENGA-Alberto was observed and identified by surveillance officers exiting his residence of 1328 Manchester Avenue, Columbus, Ohio 43224. ALVARENGA-Alberto sat on the front steps facing surveillance officers. Several of his known arm tattoos were visible to further ensure a positive identification. At approximately 7:35AM, ALVARENGA-Alberto was pickup up in a Chevy van bearing Ohio license plate PJA1049, registered to Aleman Roofing Services registered to 5672 Bashaw Drive, Westerville, Ohio 43081.

**CONCLUSION**

21. Based on the aforementioned facts, your Affiant believes that there is probable cause that the presence of Juan ALVARENGA-Alberto constitutes evidence, fruits, and instrumentalities of a violation of 8 U.S.C. § 1326(a), and is located within the premises of 1328 Manchester Avenue, Columbus, Ohio 43224.

22. Based on all the foregoing information, your Affiant respectfully requests that this Court issue a warrant to search the premises known as 1328 Manchester Avenue, Columbus, Ohio 43224, which is more particularly described in Attachment A.

23. A request for the sealing of this Affidavit and related documents is necessary in this matter. As detailed above, there is an ongoing investigation into the illegal activities of an unknown person or persons. Your Affiant is apprehensive that the subject of this investigation may attempt to flee, or attempt to destroy the identification documents, if the details of this investigation and search become known to persons associated with the investigation. The occupants of 1328 Manchester Avenue, Columbus, Ohio 43224 appear to have no permanent ties to the community, have made great efforts to conceal their true identity, and are likely to elude ICE officers is given the opportunity.

  
\_\_\_\_\_  
Matthew J. Salmon  
Deportation Officer  
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this 10<sup>th</sup> day of August 2017.

  
\_\_\_\_\_  
HONORABLE ELIZABETH PRESTON DEAVERS  
United States Magistrate Judge

**ATTACHMENT A**

**1328 Manchester Avenue  
Columbus, Ohio 43224**

The physical description of the residence to be searched is as follows:

2-story residence on the northeast corner of Manchester Ave and Ontario St.

2-story, residential structure with gray siding facing Manchester Avenue. The residence to be searched has an entry glass door (on the porch) opening to the right (outward), with a white interior door that also opens to the right into the residence. There is a back door.

There is entry access through a side basement door by way of steps on the west side of the structure.

There is a privacy fence that appears to surrounding the back of the property.

There is a detached single-car garage outside of the privacy fence on the property.